

FILED**UNITED STATES DISTRICT COURT**

FEB - 1 2013

for the

Western District of Texas

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY SL DEPUTY CLERK

United States of America)

v.)

Charles Riley Martinez, a.k.a., "Ereez")

Case No. MO-13-MJ-060 (1)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 8, 2012 in the county of Martin in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. 2422(b)

Coercion & enticement of a juvenile to engage in sexual activity;

18 U.S.C. 2423(a)

Interstate transportation of juvenile to engage in sexual activity

This criminal complaint is based on these facts:

See attached affidavit of Special Agent Pedro Delgado.

☒ Continued on the attached sheet.*Complainant's signature*

Pedro Delgado, Special Agent, Homeland Security

Printed name and title

Sworn to before me and signed in my presence.

Date: 02/01/2013*Judge's signature*City and state: Midland, Texas

David Counts, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Pedro A. Delgado, being duly sworn do hereby depose and state as follows:

I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), and have been duly employed in this position since December 04, 2011. I have also worked with Department of Homeland Security, Enforcement and Removal Operations, from May 12, 2008 through December 03, 2011. I have been a member of the United States Marine Corps Reserve since June 04, 1992. I am currently assigned to the HSI office in Midland, Texas where I am responsible for conducting investigations of violations of Immigration and Customs laws and related statutes.

As an HSI Special Agent my duties include the enforcement of federal criminal statutes involving child exploitation laws. I investigate criminal violations relating to child exploitation, including violations of 18 U.S.C. §§ 2422(b) (coercion and enticement of a juvenile to engage in sexual activity) and 2423(a) (interstate transportation of a juvenile to engage in sexual activity). I have worked closely with other law enforcement officers who have engaged in numerous investigations involving child exploitation and who have received training in the area of child exploitation.

I am familiar with the information contained in this affidavit based upon the investigation I have conducted and based on my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child exploitation. Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not included each and every fact known to me concerning this investigation. This affidavit is made in support of a criminal complaint charging CHARLES RILEY MARTINEZ with violations of 18 U.S.C. §§ 2422(b) (coercion and enticement of a juvenile to engage in sexual activity) and 2423(a) (interstate transportation of a juvenile to engage in sexual activity). Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

Summary of the Investigation to Date

On or about January 14, 2013, I learned that the Internet Crimes Against Children Task Force (hereafter referred to as ICAC) and with the Child Exploitation Squad in Dallas, Texas, Detective Lori M. Rangel, received an email from Green Bay, Wisconsin Police Department, Detective Rod Dubois in reference to a child pornography investigation.

Detective Rangel learned that on or about July 17, 2012, Detective Dubois had a case where a 16-year-old male juvenile found a DVD of his dad having sexual intercourse with a known 16-year-old female, who has been positively identified, but is hereafter referred to as "Jane Doe." The DVD was turned over to the Green Bay Police Department and the adult suspect was arrested. During a post-Miranda interview, the suspect told Detective Dubois that he knowingly and willingly had sex with the 16-year-old female victim that was portrayed on the DVD. The suspect also explained the nature of the sexual relationship between him and the 16-year-old female, Jane Doe.

The suspect stated that in December 2010, he met Jane Doe through her mother, when she was 14-years-old. The suspect explained that the sexual relationship between him and the juvenile began in late 2011 and continued through April 2012. Importantly, the suspect stated that Jane Doe has been communicating with a 28-year-old male, Charles Riley Martinez of Stanton, Texas, on Facebook and that Charles Riley Martinez has been to Green Bay, Wisconsin to meet the 16-year-old victim and her mother.

The suspect said that on Friday, July 6, 2012, Charles Riley MARTINEZ traveled to Green Bay, Wisconsin and wanted Jane Doe to return to Texas with him. The mother said that she was ok with it because it would give Jane Doe a fresh start in a new school. The suspect stated that on Sunday, July 8, 2012, at about 3:00 AM, Jane Doe left with Charles Riley MARTINEZ to go to Texas.

Detective Dubois conducted an interview with Jane Doe's mother and learned that she consented to her daughter's move to Stanton, Texas with Charles Riley MARTINEZ. Detective Dubois told her that she needed to bring her daughter back to Wisconsin or she would be charged with Failure to Protect. Jane Doe was then brought back to Wisconsin.

Detective Dubois examined Jane Doe's iPod's Touch and observed several nude images sent to an email address believed to belong to Charles Riley MARTINEZ.

On December 11, 2012, Detective Rangel obtained an administrative subpoena for the two Yahoo email addresses associated with Charles Riley MARTINEZ. On January 8, 2013, Yahoo complied with the administrative subpoena and provided a CD and the most recent IP address log-ins. Yahoo also supplied the user information corresponding to a Charles Riley MARTINEZ for both accounts.

These IP addresses pertain to Internet Service Provider Westex Telecommunications. Detective Rangel obtained a subpoena to Westex Communications. Westex communications complied with the subpoena and established that the IP addresses correspond to a Charles Riley MARTINEZ at an address located in Stanton, Texas. Westex Communications also listed a PO Box in Stanton, Texas associated with Charles Riley MARTINEZ.

On January 31, 2013, agents with the Department of Homeland Security, executed a federal search warrant at Martinez's residence in Stanton, Texas. Martinez was not at home, but was located and agreed to an interview, after receiving his *Miranda* warnings. In his post-*Miranda* interview, Martinez admitted that sometime in April 2012 he met Jane Doe through the internet as it relates to his music career. Martinez explained that he goes by the pseudonym "Ereez" for his music career. Martinez, who is 28-years-old, admitted that he knew Jane Doe had just had a birthday about the time he met her and that he knew she was 15 and had just turned 16 at about the time he met her. Nevertheless, Martinez continued to communicate with Jane Doe via text message, cell phone, and the internet (email and Facebook), and that the communications became sexual in nature. For example, Martinez admitted that he had emailed pictures of himself nude with an erect penis to the 16-year-old juvenile female and that she had emailed him nude pictures of herself as well. Martinez claimed that he had deleted the images.

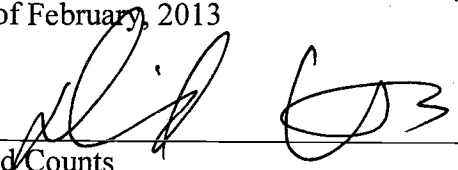
Furthermore, Martinez admitted that in May 2012 he flew to Wisconsin and met Jane Doe in person. While there, Martinez and Jane Doe engaged in sexual activity. Martinez then returned to Texas alone. But in July 2012, Martinez rented a vehicle at the Midland Airport and drove to Wisconsin with the intent of transporting the juvenile back to Texas. Indeed, Martinez further admitted that, in July 2012, Martinez and the juvenile drove back to Stanton, Texas, where they continued their sexual relationship.

After Martinez made these statements, I contacted Assistant United States Attorney Austin M. Berry, who concurred in the arrest and prosecution of Martinez. It is believed that the facts as described in this affidavit represent probable cause to arrest Charles Riley Martinez for violations of 18 U.S.C. §§ 2422(b) (coercion and enticement of a juvenile to engage in sexual activity) and 2423(a) (interstate transportation of a juvenile to engage in sexual activity).

If convicted, Martinez faces a minimum mandatory term of imprisonment of 10 years, not to exceed life imprisonment, a minimum term of supervised release of 5 years, not to exceed life, a \$250,000 fine, and a \$100 special assessment.


Pedro A. Delgado, Special Agent
Homeland Security Investigations

Sworn to and subscribed before me this 15th
day of February, 2013


David Counts

UNITED STATES MAGISTRATE JUDGE